

PROB. 12B  
(7/93)

ORIGINAL

United States District Court

for the

DISTRICT OF HAWAII

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

MAR 22 2007

at 10 o'clock and 52 minutes AM  
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: ABRAHAM LEVI, JR.

Case Number: CR 02-00093DAE-01

Name of Sentencing Judicial Officer: The Honorable David Alan Ezra  
U.S. District Judge

Date of Original Sentence: 9/3/02

Original Offense: Count 1: Assault, Resist, or Impede Certain Officers by the Use of  
a Dangerous Weapon, in violation of 18 U.S.C. §§ 111(a) and (b),  
a Class C felony

Original Sentence: The defendant is hereby placed on probation for a term of 5 years  
with the following special conditions: 1) That the defendant is  
prohibited from possessing any illegal or dangerous weapons;  
2) That the defendant participate in a mental health program at the  
discretion and direction of the Probation Office. In that regard, the  
defendant shall continue to receive treatment from his current  
therapist. The defendant shall provide the Probation Office with  
access to his mental health records; 3) The defendant shall live  
with his sister, Natalie Iaulualo and his parents. Mrs. Iaulualo shall  
insure that the defendant takes all his medication prescribed by his  
therapist. Mrs. Iaulualo shall also notify the Probation Office  
anytime that she feels that the defendant is becoming unstable;  
and 4) The defendant shall meet with his Probation Officer on at  
least a monthly basis so that the Probation Officer can closely  
monitor his mental health condition.

Type of Supervision: Probation

Date Supervision Commenced: 9/3/02

**PETITIONING THE COURT**

☒ To modify the conditions of supervision as follows:

5. That the defendant shall refrain from any unlawful use of a controlled  
substance. The defendant shall submit to one drug test within 15 days of

commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision.

6. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.

### CAUSE

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- |                      |   |
|----------------------|---|
| 1. General Condition | On 3/9/2007, the subject was arrested for Abuse of a Household Member, in violation of Hawaii Revised Statutes § 709-906. |
|----------------------|---|

On 3/9/2007, the subject was arrested for Abuse of a Household Member. According to the police report, the subject and his sister, Ruth Ann Levi-Makekau, were arguing in their home when the subject struck her three times or more in the face. Police officers observed a visible abrasion over Makekau's right eye. The subject was arrested in the home.

The subject was released on his own recognizance on 3/12/2007. The subject is scheduled to appear in State District Court on 4/4/2007 to address the Abuse of a Household Member charge.

The subject resides with his sister, Natalie Iaulualo, and her husband, his sister Ruth Ann, and their father. Their father suffered from a stroke a few years ago and the subject watches over his father during the day. Approximately, 1 year ago, the subject's mother passed away. Prior to his mother's passing, Ruth Ann's husband also died. The subject struggles with his mother's death.

The subject has been diagnosed with schizophrenia and currently receives Social Security disability benefits. The subject is being treated by his long-time psychiatrist Dr. Wahrenberg.

A family meeting was held with the subject, his two sisters, and this officer. The subject stated that the argument with Ruth Ann stemmed from the use of her car and his disability income. Ruth Ann admits that she pushed the subject and in turn, he physically assaulted her. The subject admits that he physically assaulted Ruth Ann. He acknowledges that he was angry and agitated. He stated that the medication was not working at the time.

The subject's sisters disclosed that they suspect the subject may be using illegal substances. Given his history of drug use, both would like to see the subject undergo

random drug testing. The subject denied any use of illegal drugs and has agreed to drug testing. The subject is aware that in the event that drug testing reveals he is using illegal substances, he will not be given the opportunity for treatment and his violations would immediately be addressed before the Court.

The subject's sisters and the subject agreed that an appointment with the subject, this officer, and his psychiatrist may be beneficial. The subject believes that his medication needs to be changed. He voiced frustration over his illness and not being able to control the way the medication affects his daily functioning.

The subject agreed that weekly therapy sessions with a psychologist may assist him in dealing with day-to-day issues. The subject was referred to a psychologist who is also a certified substance abuse counselor. His appointment is scheduled for 3/22/2007.

Given the subject's willingness to address his inappropriate behavior and his family's willingness to see the subject participate in further treatment, drug testing, and medication assessment, we respectfully recommend that the Court take no action on the violation at this time. The subject was warned that future noncompliance may result in revocation proceedings. As such, we will continue to monitor the subject's compliance on supervision. The subject's scheduled termination date is 9/2/2007.

Attached is a signed Waiver of Hearing to Modify Conditions of Probation. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of probation. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modifications.

Respectfully submitted by,



ROBIN L. DeMELLO  
Senior U.S. Probation Officer

Approved by:



TIMOTHY M. JENKINS  
Supervising U.S. Probation Officer

Date: 3/20/07

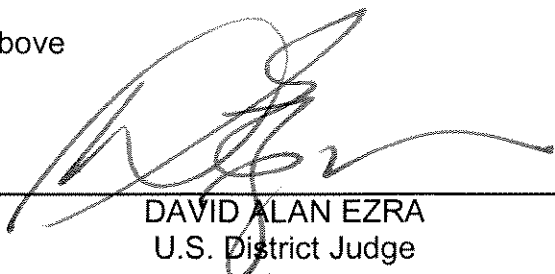
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THE COURT ORDERS:

☒ The Modification of Conditions as Noted Above  
☐ Other

  
\_\_\_\_\_  
DAVID ALAN EZRA  
U.S. District Judge  
3/21/07  
\_\_\_\_\_  
Date

PROB 49  
(5/96)**United States District Court****District of Hawaii****Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release and/or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

☒ To modify the conditions of supervision as follows:

5. *That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision.*
6. *That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.*

Witness: Robin L. DeMello  
ROBIN L. DeMELLO  
Senior U.S. Probation Officer

Signed: Abraham Levi, Jr.  
ABRAHAM LEVI, JR.  
Probationer

3-16-07

Date